

In RE application of H. SUGIYAMA et al.

Serial No.: 10/069,580



Group Art Unit: 1743

Examiner: N. A. Levkovich

For: DISK ARRAY DEVICE AND DISK ARRAY DEVICE CABLE SUPPORT METHOD

Comissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are: Request for Reconsideration of Restriction Requirement Under 37 CFR 1.143 in the above-identified application.

- ☐ Small entity of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) Claims Remaining After Amendment		(Col. 2) Highest No. Previously Paid For	(Col. 3) Present Extra
Total	* 20	Minus	** 20	= 0
Indep.	** 5	Minus	*** 5	= 0
<input type="checkbox"/> First presentation of Multiple Dependent Claims				

SMALL ENTITY	
Rate	Additional Fee
X 25	\$
X 100	\$
X 180	\$
Total	\$

OR

OTHER THAN A SMALL ENTITY	
Rate	Additional Fee
X 50	\$
X 200	\$
X 360	\$
Total	\$0

OR

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write '20' in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write '3' in this space.
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 50-1417 in the amount of \$\_\_\_\_\_.
- ☐ A Credit Card Payment Form in the amount of \$ is attached.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayments to Deposit Account No. 50-1417.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ Any Extension of Time fees that are necessary, which are hereby requested if necessary.

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Date: January 11, 2007



THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Appl. No.** : **10/069,580** Confirmation No. 3826  
**Applicant** : H. SUGIYAMA et al.  
**Filed** : May 17, 2002  
**Title** : AUTOMATIC ANALYZER AND PART FEEDING DEVICE  
USED FOR THE ANALYZER  
**TC/AU** : 1743  
**Examiner** : N.A. Levkovich  
**Docket No.** : ASA-1069  
**Customer No.:** 24956

**MAIL STOP: AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF RESTRICTION REQUIREMENT**  
**UNDER 37 CFR 1.143**

Sir:

Applicants respectfully request that the Examiner reconsider and withdraw the Restriction of claims made in the Office Action mailed November 1, 2006, in the above-identified patent application. In particular, the Restriction is contrary to the provisions of 37 CFR 1.142(a) which states, in part, that at a requirement for restriction "may be made at any time **before** final action" (emphasis added).

The Requirement for Restriction included in the Office Action mailed November 1, 2006, was the first instance of a restriction requirement in this application. Further, the Office Action was made Final (see, e.g., page 8 of the Office Action and the *Office Action Summary* sheet).

The Restriction Requirement states on page 3 that "Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the